

### REMARKS/ARGUMENTS

Claims 1, 4, 13, 17, 19, 23, 25, 26, 42 and 43 have been amended, and claims 27, 30-32, 35-37, 40 and 41 have been cancelled without prejudice or disclaimer of subject matter therein. Claims 1-4, 11-26, 28, 29, 33, 34, 38, 39, 42 and 43 are pending in the present application, of which claims 1, 4, 13, 17, 19, 23, 25, 26, 42 and 43 are the independent claims. Applicants believe that the present application is in condition for allowance, for which prompt and favorable action is respectfully requested.

#### *Claim Rejections – 35 USC § 102*

Claims 1-4, 13-15, 17, 19-21, 23 and 25-43 were rejected under 35 U.S.C. 102(b) as being anticipated by Tiedemann (U.S. 6,396,867). Reconsideration and withdrawal of this rejection are respectfully requested.

Independent claims 1, 13, 19, 25 and 42 have been amended to include the feature of receiving the forward link power control instruction on a forward link common channel. Support for this amendment can be found, for example, in cancelled claims 27, 32 and 37.

Tiedemann is not seen to teach or suggest at least the feature of receiving a forward link power control instruction on a forward link common channel. The Office Action contends that Tiedemann teaches this feature by merely citing to the base station (element 4) and remote station (element 6) of Tiedemann without particularly pointing out where Tiedemann allegedly teaches this feature. See, e.g., page 4 of the Office Action. The Office Action does not point to any teaching in Tiedemann of the remote station (element 6) receiving a forward link power control instruction on a forward link common channel. If the Examiner still contends that Tiedemann teaches this feature, then Applicants respectfully request that the Examiner particularly point out where Tiedemann allegedly teaches receiving a forward link power control instruction on a forward link common channel.

Accordingly, claims 1, 13, 19, 25 and 42 are believed to be allowable over the applied references for at least the reasons given above. Claims 2, 3, 12, 14-16, 20-22, 33 and 38 depend from claims 1, 13, or 19, and are therefore believed to also be allowable for at least the same reasons given above. Because each dependent claim is deemed to define an additional aspect of the invention, the individual consideration of each on its own merits is respectfully requested.

Independent claims 4, 17, 23, 26 and 43 have been amended to include the feature of transmitting the forward link power control instruction on a forward link common channel. Support for this amendment can be found, for example, in cancelled claims 31, 36 41.

Tiedemann is not seen to teach or suggest at least the feature of transmitting the forward link power control instruction on a forward link common channel. The Office Action contends that Tiedemann teaches this feature by merely citing to the base station (elements 4) and remote station (element 6) of Tiedemann without particularly pointing out where Tiedemann allegedly teaches this feature. See, e.g., page 4 of the Office Action. The Office Action does not point to any teaching in Tiedemann of the base station (element 4) transmitting a forward link power control instruction on a forward link common channel. If the Examiner still contends that Tiedemann teaches this feature, then Applicants respectfully request that the Examiner particularly point out where Tiedemann allegedly teaches transmitting a forward link power control instruction on a forward link common channel.

Accordingly, claims 4, 17, 23, 26 and 43 are believed to be allowable for at least the reasons given above. Claims 11, 18, 24, 29, 34 and 39 depend from claims 4, 17, 23, 26 or 43, and are therefore believed to also be allowable for at least the same reasons given above. Because each dependent claim is deemed to define an additional aspect of the invention, the individual consideration of each on its own merits is respectfully requested.

#### ***Claim Rejections – 35 USC § 103***

Claims 11, 12, 16, 18, 22 and 24 were rejected under 35 U.S.C. 103(a) as being unpatentable over Tiedemann in view of Sawahashi (U.S. 5,590,409).

Claims 11, 12 and 16 depend from claim 1, and are therefore believed to be allowable for at least the same reasons given for claim 1. Like Teidemann, Sawahashi does not teach or suggest at least the feature of receiving a forward link power control instruction on a forward link common channel recited in claim 1.

Claims 18, 22 and 24 depend from claims 17 and 23, respectively, and are therefore believed to be allowable for at least the same reasons given for claims 17 and 23. Like Teidemann, Sawahashi does not teach or suggest at least the feature of transmitting the forward link power control instruction on a forward link common channel recited in claims 17 and 23.

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Reply to Office Action of June 12, 2008


### **CONCLUSION**

In view of the foregoing amendment and remarks, all of the claims under consideration are believed to be in condition for allowance and such action is respectfully requested at the Examiner's earliest convenience.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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